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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

BY _____

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POM WONDERFUL LLC
8

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 POM WONDERFUL LLC, a Delaware
13 limited liability company,

14 Plaintiff,

15 v.

16 THE COCA COLA COMPANY, a
17 Delaware corporation; and DOES 1-10,
inclusive,

18 Defendants.
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Case No. **CV08-06237**

**COMPLAINT FOR FALSE
ADVERTISING UNDER LANHAM
ACT 43(A); FALSE ADVERTISING
UNDER CALIFORNIA BUSINESS
& PROFESSIONS CODE § 17500,
ET SEQ.; UNFAIR COMPETITION
UNDER CALIFORNIA BUSINESS
& PROFESSIONS CODE § 17200,
ET SEQ.**

DEMAND FOR JURY TRIAL

SJO

JTLX

1 Plaintiff POM WONDERFUL LLC ("Pom Wonderful" or "Plaintiff") hereby
2 alleges as follows:

3 **PARTIES**

4 1. Plaintiff Pom Wonderful is a Delaware limited liability company with
5 its principal place of business in Los Angeles, California.

6 2. On information and belief, defendant The Coca Cola Company ("Coca
7 Cola") is a Delaware corporation with its principal place of business in Atlanta,
8 Georgia.

9 3. Plaintiff is not aware of the true names and capacities of the defendants
10 identified herein as Does 1 through 10, inclusive, and therefore fictitiously names
11 said defendants. Plaintiff will amend this Complaint to allege the true names and
12 capacities of these fictitiously named defendants when their identities are
13 ascertained.

14 4. Plaintiff is informed and believes, and thereon alleges, that Coca Cola
15 and each of the fictitiously named Doe defendants (collectively "Defendants") were
16 in some manner responsible for the acts alleged herein and the harm, losses and
17 damages suffered by Plaintiff as alleged hereinafter. Plaintiff is also informed and
18 believes that, while participating in such acts, each Defendant was the agent, alter
19 ego, conspirator, and aidor and abettor of the other Defendants and was acting in the
20 course and scope of such agency and/or acted with the permission, consent,
21 authorization or ratification of the other Defendants.

22 5. As described further below, Coca Cola conducts business and
23 manufactures and/or distributes products in the greater Los Angeles area, and
24 throughout the United States.

25 **JURISDICTION AND VENUE**

26 6. This action arises under 15 U.S.C. § 1125(a) and the statutory law of
27 the State of California. This Court has subject matter jurisdiction over this action
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1 pursuant to 28 U.S.C. §1331 (federal question), 15 U.S.C. § 1121 (Lanham Act
2 claims) and 28 U.S.C. §1367 (supplemental jurisdiction).

3 7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and
4 1400 because a substantial part of the events or omissions giving rise to the claims
5 occurred in this District.

6 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

7 8. This action seeks redress for Coca Cola's deliberate and unlawful false
8 and misleading representations regarding its Minute Maid Enhanced Pomegranate
9 Blueberry product ("Pomegranate Blueberry Product"), which has been packaged,
10 marketed and sold by Coca Cola based on the representation that the primary
11 ingredients in the product are pomegranate and blueberry juice, when, in fact, the
12 primary ingredients are actually apple and grape juice.

13 9. This action also seeks redress for the unfair, unlawful and fraudulent
14 business practices of all Defendants, each of whom have participated in making the
15 false advertising claims relating to Coca Cola's Pomegranate Blueberry Product in
16 California and nationwide.

17 **I. POM WONDERFUL**

18 10. Plaintiff is the largest grower and distributor of pomegranates and
19 pomegranate juice in the United States.

20 11. Plaintiff produces, markets and sells POM WONDERFUL® brand
21 bottled pomegranate juice, and various pomegranate juice blends including a
22 pomegranate blueberry blend. Pom Wonderful has been bottling, selling and
23 marketing its juice products since 2002.

24 12. When Pom Wonderful began the development and distribution of POM
25 WONDERFUL® juice, it invested millions of dollars in researching the nutritional
26 qualities and health benefits of pomegranate juice, an investment that continues to
27 this day. Pom Wonderful has consulted with world-renowned scientists, including a
28 Nobel laureate, and underwrites major research studies, many of which are

1 published in well-known and prestigious peer-reviewed scientific and medical
2 journals.

3 13. Scientists have discovered that pomegranate juice has very high levels
4 of unique polyphenols, antioxidants that are particularly effective at neutralizing
5 free radicals, preventing oxidation of LDL cholesterol (the “bad” cholesterol) and
6 plaque build-up in the blood vessels, and preserving nitric oxide, a key chemical in
7 the body for regulating blood flow and maintaining vessel health.

8 14. A key element of Pom Wonderful’s marketing campaign has been its
9 concentration on the health benefits associated with pomegranates and pomegranate
10 juice, and its emphasis on the high level of antioxidants contained in POM
11 WONDERFUL® brand juice.

12 15. Through its investment of millions of dollars to research and promote
13 the nutritional qualities and health benefits associated with pomegranate juice,
14 Plaintiff largely created the burgeoning market for genuine pomegranate juice that
15 exists today. POM Wonderful’s pomegranate juice has, in only six short years,
16 eclipsed all other products in its market segment of super premium juices to take the
17 #1 spot nationwide in supermarket sales, as well as the #1 spots in the key
18 geographic regions of Los Angeles, Chicago, New York, among many others. POM
19 Wonderful’s annual supermarket sales have, incredibly, gone from zero to well over
20 \$70 million in that same period.

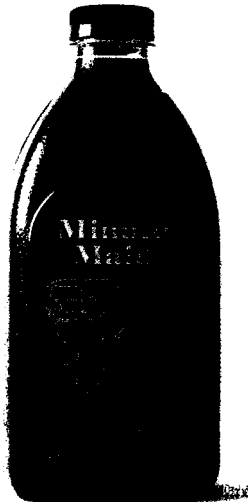
21 16. Plaintiff’s success has been both good and bad for consumers. On the
22 one hand, consumers have been made aware of the nutritional qualities and health
23 benefits of 100 percent pomegranate juice. On the other hand, unscrupulous
24 competitors have set out to cash in on Plaintiff’s success by marketing and selling to
25 consumers products labeled as “pomegranate juice,” that in fact contain little or no
26 actual pomegranate juice. Coca Cola is one such competitor.

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**II. COCA COLA AND ITS FALSE ADVERTISING OF ITS
POMEGRANATE BLUEBERRY PRODUCT**

17. Coca Cola markets and sells various bottled juice products under such brands as, among others, Odwalla and Minute Maid, and is currently one of Plaintiff's primary competitors in the bottled pomegranate juice market. Coca Cola is based in Atlanta, Georgia and, Plaintiff is informed and believes, markets, distributes and sells its products, including its Pomegranate Blueberry Product, in Los Angeles County and throughout the United States.

18. In September 2007, Coca Cola announced the addition of a new "Minute Maid® Pomegranate Blueberry" product to its line of "Minute Maid Enhanced Juices" targeting "the health-conscious shopper."



19. Like the pomegranate, in recent years the blueberry has become a staple for health conscious consumers because of its high antioxidant capacity. Thus, Coca Cola's Pomegranate Blueberry Product purports to combine two of nature's most powerful antioxidants into a single "Enhanced Juice" product. In fact, the main ingredients in Coca Cola's Pomegranate Blueberry Product are neither pomegranate nor blueberry juice, but rather, apple and grape juice.

20. Notwithstanding that Coca Cola's product actually contains little pomegranate or blueberry juice, Coca Cola labels its product as "Pomegranate

1 Blueberry” juice. Attached as “Exhibit A” are true and correct copies of
2 photographs of Coca Cola’s Pomegranate Blueberry Product. In addition to the
3 claims on the product itself, Coca Cola also maintains a website at
4 <minutemaids.com> that prominently advertises and markets Coca Cola’s product as
5 “Minute Maid Enhanced Pomegranate Blueberry” juice. Attached as “Exhibit B” is
6 a true and correct copy of Coca Cola’s website advertising its Pomegranate
7 Blueberry Product.

8 21. Coca Cola has also advertised its Pomegranate Blueberry Product in
9 commercial spots aired during highly rated television shows such as American Idol.
10 Plaintiff is informed and believes that Coca Cola has engaged in other forms of
11 marketing and advertising of its Pomegranate Blueberry Product targeting
12 consumers throughout the United States.

13 22. Purchasers of Coca Cola’s product are likely to be misled and deceived
14 by Coca Cola’s product labeling, marketing and advertising. By name alone, one
15 would expect that the primary ingredients in Coca Cola’s Pomegranate Blueberry
16 Product are pomegranate and blueberry juice. However, pomegranate juice ranks
17 third, by volume, behind apple and grape juice in Coca Cola’s Pomegranate
18 Blueberry Product. Blueberry juice is found in even smaller amounts, ranking fifth
19 among the ingredients found in Coca Cola’s product.

20 23. Coca Cola’s false and misleading advertising of its Pomegranate
21 Blueberry Product is damaging to the reputation and goodwill of Plaintiff and is
22 damaging to the consuming public. These false and misleading representations are
23 designed to entice consumers to purchase Coca Cola’s product over Plaintiff’s
24 products. Specifically, Coca Cola’s false and misleading representations regarding
25 the primary ingredients of its product imply that its product is of the same
26 composition and quality of actual pomegranate blueberry juices such as Plaintiff’s
27 pomegranate blueberry juice, when in fact Coca Cola has substituted much of the
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1 valuable and beneficial substance of pure pomegranate and blueberry juice with
2 economically and nutritionally inferior juices such as apple and grape.

3 24. Because the cost to produce Coca Cola's product containing
4 economically inferior components is far less than the cost to produce actual
5 pomegranate blueberry juice (*i.e.*, a juice product whose primary ingredients are
6 actually pomegranate and blueberry juice), Coca Cola can charge less for its product
7 than competitors, including Plaintiff, while reaping a substantial profit. In this way,
8 Coca Cola entices consumers who would otherwise buy Plaintiff's product to buy its
9 product instead. In doing so, Coca Cola wrongfully tricks consumers into thinking
10 that they are getting a similar product (*i.e.*, all natural pomegranate blueberry juice
11 with all of its associated health benefits) for a lower price, when in fact they are
12 getting an economically and nutritionally inferior product.

13 25. The natural, probable and foreseeable result of Coca Cola's wrongful
14 conduct has been to cause confusion, deception and mistake in the pomegranate
15 blueberry juice market as a whole, to deprive Plaintiff of business and goodwill, and
16 to injure Plaintiff's relationships with existing and prospective customers.

17 26. Plaintiff is informed and believes that Coca Cola's wrongful conduct
18 has resulted in increased sales of Coca Cola's own Pomegranate Blueberry Product
19 while hindering the sales of Plaintiff's pomegranate juice products and damaging
20 Plaintiff's goodwill. Plaintiff has sustained and will sustain damages as a result of
21 Coca Cola's wrongful conduct.

22 **FIRST CLAIM FOR RELIEF**

23 (False Advertising Under Lanham Act § 43(a), 15 U.S.C. 1125(a)

24 Against All Defendants)

25 27. Plaintiff incorporates by reference Paragraphs 1 through 26 above as
26 though fully set forth herein.

27 28. Upon information and belief Defendants have made and distributed, in
28 interstate commerce and in this District, advertisements that contain false or

1 misleading statements of fact regarding their products. These advertisements
2 contain actual misstatements and/or misleading statements and failures to disclose,
3 including, among others, the statement that Defendants' product consists primarily
4 of pomegranate and blueberry juice.

5 29. Upon information and belief, these false statements actually deceive, or
6 have a tendency to deceive, a substantial segment of Plaintiff's customers and
7 potential customers. This deception is material in that it is likely to influence the
8 purchasing decisions of Plaintiff's customers.

9 30. Defendants' false and misleading advertising statements and omissions
10 injure both consumers and Plaintiff.

11 31. Defendants' false and misleading advertising statements and omissions
12 violate the Lanham Act § 43(a), 15 U.S.C. §1125(a).

13 32. Defendants have caused, and will continue to cause, immediate and
14 irreparable injury to Plaintiff, including injury to its business, reputation, and
15 goodwill, for which there is no adequate remedy at law. As such, Plaintiff is entitled
16 to an injunction under 15 U.S.C. §1116 restraining Defendants, their agents,
17 employees, representatives and all persons acting in concert with them from
18 engaging in further acts of false advertising, and ordering removal of all
19 Defendants' false advertisements.

20 33. Pursuant to 15 U.S.C. §1117, Plaintiff is entitled to recover from
21 Defendants the damages sustained by Plaintiff as a result of Defendants' acts in
22 violation of Lanham Act § 43(a). Plaintiff is at present unable to ascertain the full
23 extent of the monetary damages it has suffered by reason of Defendants' acts.

24 34. Pursuant to 15 U.S.C. §1117, Plaintiff is further entitled to recover
25 from Defendants the gains, profits and advantages that they have obtained as a result
26 of their acts. Plaintiff is at present unable to ascertain the full amount of the gains,
27 profits and advantages Defendants have obtained by reason of their acts.

28

1 35. Pursuant to 15 U.S.C. §1117, Plaintiff is further entitled to recover the
2 costs of this action. Moreover, Plaintiff is informed and believes, and on that basis
3 alleges, that Defendants' conduct was undertaken willfully and with the intention of
4 causing confusion, mistake or deception, making this an exceptional case entitling
5 Plaintiff to recover additional damages and reasonable attorneys' fees.

6 **SECOND CLAIM FOR RELIEF**

7 (False Advertising Under Cal. Bus. & Prof. Code § 17500

8 Against All Defendants)

9 36. Plaintiff incorporates by reference Paragraphs 1 through 35 above as
10 though fully set forth herein.

11 37. Defendants knew or in the exercise of reasonable care should have
12 known that their publicly disseminated statements and omissions relating to their
13 Pomegranate Blueberry Product were false or misleading. Defendants' false
14 advertising statements and omissions injure consumers and Plaintiff. Defendants'
15 false and misleading statements include, among others, that Defendants' product
16 consists primarily of pomegranate and blueberry juice.

17 38. By making such untrue or misleading statements, Defendants have
18 engaged in false advertising in violation of the statutory law of the state of
19 California, Cal. Bus. & Prof. Code §17500, *et seq.*

20 39. By reason of Defendants' conduct, Plaintiff has suffered injury in fact
21 and has lost money or property.

22 40. Defendants have caused, and will continue to cause, immediate and
23 irreparable injury to Plaintiff, including injury to its business, reputation, and
24 goodwill, for which there is no adequate remedy at law. Plaintiff is entitled to an
25 injunction restraining Defendants, their agents, employees, representatives and all
26 persons acting in concert with them from engaging in further such acts, and
27 forbidding Defendants from advertising their Pomegranate Blueberry Product as
28

1 primarily containing pomegranate and blueberry juice, and from making other false
2 statements in connection with the product.

3 41. Plaintiff is further entitled to a restitutionary recovery from Defendants.

4 **THIRD CLAIM FOR RELIEF**

5 (Statutory Unfair Competition – Cal. Bus. & Prof. Code §17200, *et seq.*

6 Against All Defendants)

7 42. Plaintiff incorporates by reference Paragraphs 1 through 41 above as
8 though fully set forth herein.

9 43. Defendants have made, published, disseminated, and circulated false,
10 deceptive, and misleading statements, representations, and advertisements in
11 California misrepresenting the nature, quality, and characteristics of their
12 Pomegranate Blueberry Product with the intent of selling, distributing, and
13 increasing the consumption of, and interest in, their Pomegranate Blueberry Product.

14 44. Defendants' conduct as alleged herein constitutes unfair competition in
15 that such acts were and are unlawful, unfair, deceptive and/or fraudulent business
16 acts or practices in violation of California Business & Professions Code §17200, *et*
17 *seq.*

18 45. As a direct and proximate result of Defendants' wrongful conduct,
19 Plaintiff has suffered injury in fact, which losses include damage to Plaintiff's good
20 will with its existing, former and potential customers. Defendants' conduct has also
21 caused damage to consumers.

22 46. These wrongful acts have proximately caused and will continue to
23 cause Plaintiff substantial injury, including loss of customers, dilution of goodwill,
24 confusion of existing and potential customers, and diminution of the value of
25 Plaintiff's products. The harm these wrongful acts will cause to Plaintiff is both
26 imminent and irreparable, and the amount of damage sustained by Plaintiff will be
27 difficult to ascertain if these acts continue. Plaintiff has no adequate remedy at law.
28

1 47. Plaintiff is entitled to an injunction restraining Defendants, their
2 officers, agents, employees, and all persons acting in concert with them from
3 engaging in further such unlawful conduct.

4 48. Plaintiff is further entitled to a restitutionary recovery from Defendants.

5
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

8 1. For temporary, preliminary and permanent injunctive relief prohibiting
9 Defendants, their agents, or anyone working for, in concert with or on behalf of
10 Defendants from engaging in false or misleading advertising with respect to the their
11 Pomegranate Blueberry Product and/or violating Lanham Act § 43(a), which relief
12 includes but is not limited to removal of all false or misleading advertisements and
13 corrective advertising to remedy the effects of Defendants' false advertising.

14 2. For an order requiring Defendants to correct any erroneous impression
15 persons may have derived concerning the nature, characteristics, or qualities of their
16 Pomegranate Blueberry Products, including without limitation, the placement of
17 corrective advertising and providing written notice to the public.

18 3. That Defendants be adjudged to have violated 15 U.S.C. §1125(a) by
19 unfairly competing against Plaintiff by using false, deceptive or misleading
20 statements of fact that misrepresent the nature, quality and characteristics of their
21 Pomegranate Blueberry Products.

22 4. That Defendants be adjudged to have unlawfully and unfairly competed
23 against Plaintiff under the laws of the State of California, Cal. Bus. & Prof. Code
24 §17200, *et seq.*

25 5. That Defendants be adjudged to have unfairly competed against
26 Plaintiff by engaging in false or misleading advertising under the laws of the State
27 of California, Cal. Bus. & Prof. Code §17500, *et seq.*

28

1 6. That Plaintiff be awarded damages Plaintiff has sustained in
2 consequence of Defendants' conduct.

3 7. That Plaintiff be awarded Defendants' profits obtained by Defendant as
4 a consequence of Defendants' conduct.

5 8. That such damages and profits be trebled and awarded to Plaintiff as a
6 result of Defendants' willful, intentional and deliberate acts in Plaintiff violation of
7 Lanham Act § 43(a).

8 9. That Plaintiff recover its costs and reasonable attorneys' fees.

9 10. That all of Defendants' misleading and deceptive materials and
10 products be destroyed as allowed under 15 U.S.C. §1118.

11 11. That Plaintiffs be granted prejudgment and post judgment interest.

12 12. That Plaintiff have such other and further relief as the Court deems just
13 and proper.

14
15 Dated: September 22, 2008

LOEB & LOEB LLP
ANDREW S. CLARE
MARK D. CAMPBELL
DAVID GROSSMAN

16
17
18 By: 

Mark D. Campbell
Attorneys for Plaintiff
POM WONDERFUL LLC

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues properly triable by jury.

Dated: September 22, 2008

LOEB & LOEB LLP
ANDREW S. CLARE
MARK D. CAMPBELL
DAVID GROSSMAN

By: 

Mark D. Campbell
Attorneys for Plaintiff
POM WONDERFUL LLC

EXHIBIT A



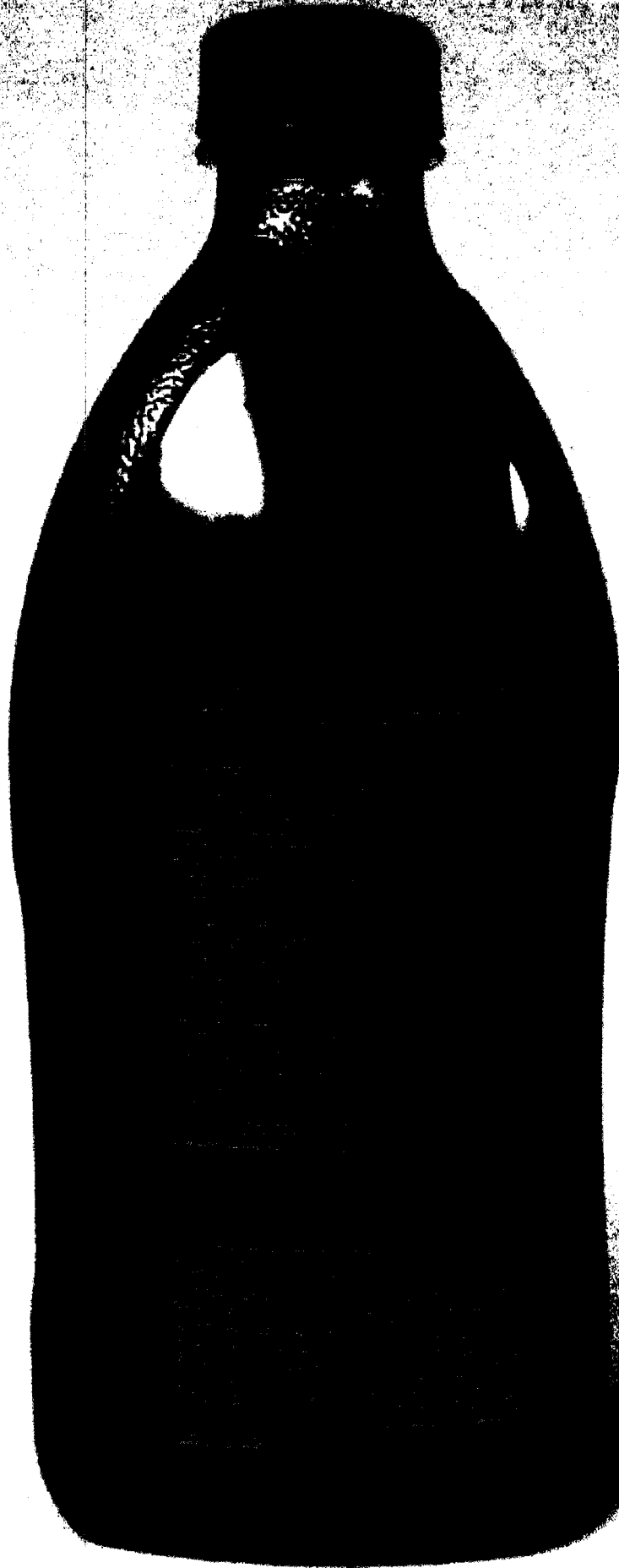


EXHIBIT B

Minute Maid Home Login Register

Find Products ...

Tell Friends

Products

Healthy Living

Recipes

About Us

Promotions

News

Downloads

En Español

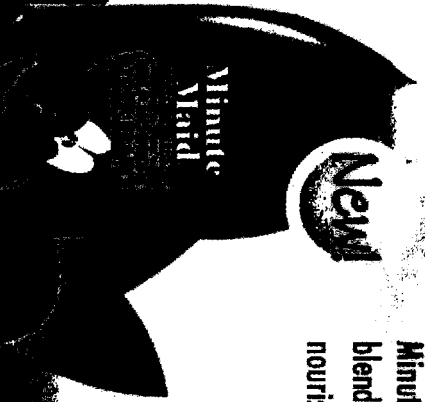
Choose From Minute Maid Enhanced Juices and Juice Drinks

Enhanced Juices

Minute Maid Enhanced Pomegranate Blueberry

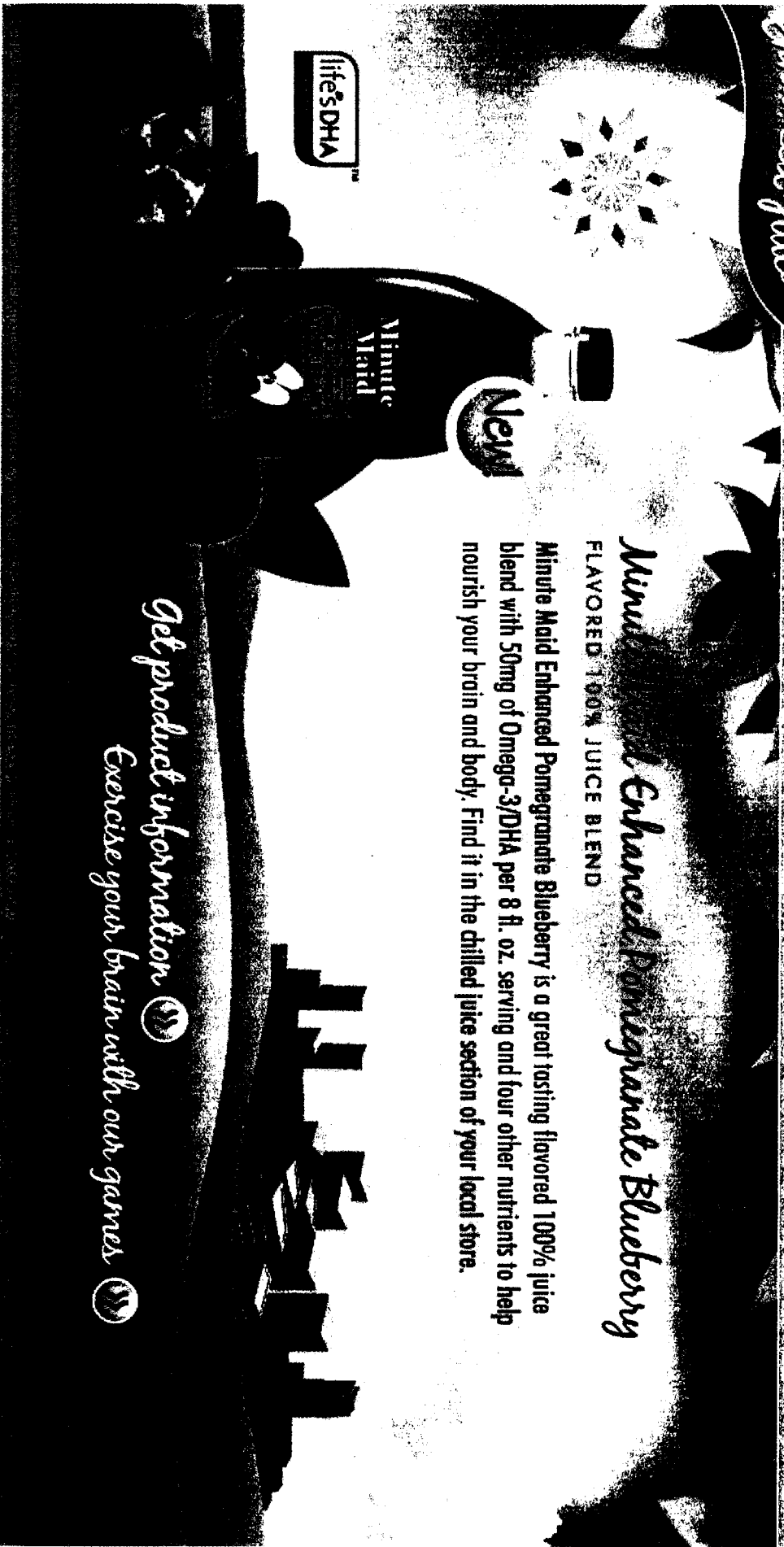
FLAVORED 100% JUICE BLEND

Minute Maid Enhanced Pomegranate Blueberry is a great tasting flavored 100% juice blend with 50mg of Omega-3/DHA per 8 fl. oz. serving and four other nutrients to help nourish your brain and body. Find it in the chilled juice section of your local store.



Get product information

Exercise your brain with our games



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Jennifer T. Lum.

The case number on all documents filed with the Court should read as follows:

CV08- 6237 SJO (JTLx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

MARK D. CAMPBELL (SBN 180 3)
 mcampbell@loeb.com
 LOEB & LOEB LLP
 10100 Santa Monica Boulevard, Suite 2200
 Los Angeles, CA 90067
 Telephone: 310-282-2000
 Facsimile: 310-282-2200
 Attorneys for Plaintiff

ORIGINAL

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

POM WONDERFUL LLC, a Delaware limited liability
 company

PLAINTIFF(S)

v.

THE COCA COLA COMPANY, a Delaware
 corporation; and DOES 1-10, inclusive

DEFENDANT(S).

CASE NUMBER

CV08-06237 SJO JTLx

SUMMONS

TO:DEFENDANT(S): THE COCA COLA COMPANY and DOES 1-10, INCLUSIVE

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Mark D. Campbell, Loeb & Loeb, LLP, whose address is 10100 Santa Monica Boulevard, Suite 2200, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: September 22, 2008

By:

Natalie Gonzalez
 Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES STRICT COURT, CENTRAL DISTRICT
CIVIL COVER SHEET

CALIFORNIA

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
POM WONDERFUL LLC**DEFENDANTS**

THE COCA COLA COMPANY and DOES 1-10, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Mark D. Campbell (SBN 180528)

LOEB & LOEB LLP

10100 Santa Monica Boulevard, Suite 2200

Los Angeles, CA 90067

Telephone: 310-282-2000

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)**CLASS ACTION under F.R.C.P. 23:** ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT: \$****VI. CAUSE OF ACTION** (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C. § 1125 False Advertising under the Lanham Act

VII. NATURE OF SUIT (Place an X in one box only.)

- | OTHER STATUTES | CONTRACT | TORTS
PERSONAL INJURY | TORTS
PERSONAL
PROPERTY | PRISONER
PETITIONS | LABOR |
|--|--|---|--|--|---|
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus | <input type="checkbox"/> 710 Fair Labor Standards Act |
| <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 530 General | <input type="checkbox"/> 720 Labor/Mgmt. Relations |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act |
| <input type="checkbox"/> 450 Commerce/ICC Rates/etc. | <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Fed. Employers' Liability | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 540 Mandamus/Other | <input type="checkbox"/> 740 Railway Labor Act |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 22 Appeal 28 USC 158 | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 790 Other Labor Litigation |
| <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 830 Patent |
| <input type="checkbox"/> 810 Selective Service | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> SOCIAL SECURITY |
| <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 445 American with Disabilities - Employment | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 61 HIA(1395ff) |
| <input checked="" type="checkbox"/> 890 Other Statutory Actions | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 446 American with Disabilities - Other | <input type="checkbox"/> 650 Airline Regs | <input type="checkbox"/> 862 Black Lung (923) |
| <input type="checkbox"/> 891 Agricultural Act | REAL PROPERTY | IMMIGRATION | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 863 DIWC/DIWW 405(g) |
| <input type="checkbox"/> 892 Economic Stabilization Act | <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 462 Naturalization Application | | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 893 Environmental Matters | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee | | | <input type="checkbox"/> 865 RSI (405(g)) |
| <input type="checkbox"/> 894 Energy Allocation Act | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 465 Other Immigration Actions | | | FEDERAL TAX SUITS |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 240 Torts to Land | | | | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice | <input type="checkbox"/> 245 Tort Product Liability | | | | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | <input type="checkbox"/> 290 All Other Real Property | | | | |

CV08-06237

FOR OFFICE USE ONLY: Case Number

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Georgia

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

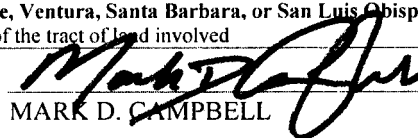
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):


MARK D. CAMPBELL

Date September 22, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))